

## STATEMENT OF BASIS (AI No. 43462)

for draft Louisiana Pollutant Discharge Elimination System permit No. LA0118842 to discharge to waters of the State of Louisiana.

**THE APPLICANT IS:** Talen Marine & Fuel Inc.  
ICW 193  
Post Office Box 1040  
Lake Arthur, Louisiana 70549

**ISSUING OFFICE:** Louisiana Department of Environmental Quality (LDEQ)  
Office of Environmental Services  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313

**PREPARED BY:** Michelle Bickham

**DATE PREPARED:** March 16, 2009

### 1. PERMIT STATUS

#### A. Reason For Permit Action:

Permit reissuance of an Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term.

B. LPDES permits – LA0118842  
LPDES permit effective date: February 1, 2004  
LPDES permit expiration date: January 31, 2009

C. Date Application Received: July 30, 2008; An LPDES Notice of Intent (NOI) to Discharge Sanitary Wastewater was received as the renewal application for this facility. This NOI did not contain all of the information needed to draft the renewal permit as there is bilge water and stormwater runoff also discharged at the facility. Therefore, additional information for the renewal permit was obtained from the previous permit and from a conversation with the facility on February 4, 2009.

### 2. FACILITY INFORMATION

#### A. FACILITY TYPE/ACTIVITY - marine fueling dock

Talen Marine & Fuel Inc., ICW 193 is an existing marine and fuel dock. The facility provides services to traffic on the Intracoastal Waterway from Lake Charles to Houma. Services include midstream refueling, providing lube oil, potable water, and supplies, and waste oil reclamation (from bilge water). The facility will be accepting bilge water brought by vacuum truck and barge from two sister facilities in Lake Charles and Freshwater City.

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**B. FEE RATE**

1. Fee Rating Facility Type: minor
2. Complexity Type: II\*
3. Wastewater Type: II
4. SIC code: 4492, 1389

\*SIC Code 4492 is assigned a complexity of I (Any industrial category not listed in LAC 33:IX.1319 is automatically assigned a Complexity Designation I). SIC Code 1389 is assigned a complexity of II with a corresponding 10 points. However, the points have been BPJ'ed to 5 based on flow of facility.

**C. LOCATION** - 2254 South Talen's Landing Road, Klondike, Cameron Parish  
 Latitude 29° 56' 04", Longitude 92 39' 15"

**3. OUTFALL INFORMATION**

Outfall 001

Discharge Type: treated sanitary wastewater  
 Treatment: mechanical sewage treatment plant with aeration and chlorination  
 Location: at the point of discharge from the mechanical sewage treatment plant located on the southern most portion of the facility  
 Flow: 300 GPD  
 Discharge Route: Intracoastal Waterway

Outfall 002

Discharge Type: treated bilge water  
 Treatment: Sea Pure oil/water separator, clarification, and aeration  
 Location: at the point of discharge from the treatment plant located on the south side of the facility  
 Flow: 1,100 GPD  
 Discharge Route: Intracoastal Waterway

Outfall 003

Discharge Type: treated sanitary wastewater  
 Treatment: mechanical sewage treatment plant with aeration and chlorination  
 Location: at the point of discharge from the mechanical sewage treatment plant located on the southwest side of the facility  
 Flow: 300 GPD  
 Discharge Route: local drainage thence to the Intracoastal Waterway

**4. RECEIVING WATERS**

STREAM – Outfalls 001 and 002 – Intracoastal Waterway  
 Outfalls 003 – local drainage thence to the Intracoastal Waterway

BASIN AND SEGMENT - Mermentau Basin, Segment 050702

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DESIGNATED USES - a. primary contact recreation  
 b. secondary contact recreation  
 c. propagation of fish and wildlife  
 f. agriculture

## 5. TMDL STATUS

Subsegment 050702 is not listed on LDEQ's Final 2006 303(d) list as impaired. However, subsegment 050702 was previously listed as impaired for organic enrichment/low DO, suspended solids/turbidity/siltation, nutrients, carbofuran, ammonia, and phosphorus for which the below TMDL's have been developed. The Department of Environmental Quality reserves the right to impose more stringent discharge limitations and/or additional restrictions in the future to maintain the water quality integrity and the designated uses of the receiving water bodies based upon additional TMDL's and/or water quality studies. The DEQ also reserves the right to modify or revoke and reissue this permit based upon any changes to established TMDL's for this discharge or to accommodate for pollutant trading provisions in approved TMDL watersheds as necessary to achieve compliance with water quality standards.

The following TMDL's have been established for subsegment 050702:

### Lake Arthur, Grand Lake, and GIWW TMDLs for DO, Nutrients and Ammonia

The TMDL states that only permits with oxygen demanding pollutants were considered for TMDL development. Of those permits considered only Kaplan and Lake Arthur Wastewater Treatment Facilities were big enough to model. This facility was not specifically modeled nor were facilities of similar nature and size modeled. Compliance with the BOD<sub>5</sub> and COD limitations placed in this permit should protect the stream from further impairment.

LDEQ's position, as supported by the ruling in the lawsuit regarding water quality criteria for nutrients (Sierra Club v. Givens, 710 So.2d 249 (La. App. 1st Cir. 1997), writ denied, 705 So.2d 1106 (La. 1998)), is that when oxygen-demanding substances are controlled and limited in order to ensure that the dissolved oxygen criterion is supported, nutrients are also controlled and limited. LAC 33:IX.2707.D.1.f.iii allows the establishment of effluent limitations based on an indicator parameter for the pollutant of concern. LDEQ's consistent approach to controlling nutrients in similar discharges where the WQMP does not otherwise require specific nutrient limitations is achieved by limiting the discharge of oxygen-demanding substances through BOD<sub>5</sub> and COD limitations. Compliance with the BOD<sub>5</sub> and COD limitations as the indicator parameter will result in the control of nutrients from the discharge sufficient to attain and maintain the applicable water quality standard. Effluent monitoring of the indicator parameter as conducted by the permittee in accordance with the permit in addition to LDEQ's ambient water quality monitoring program will allow for further evaluation by the Department to determine the effectiveness of the limitation. The reopener clause located in the permit allows the Department to modify or revoke and reissue the permit if the limitations as set on the indicator parameter are shown to no longer attain and maintain applicable water quality standards.

### TMDL for TSS, Turbidity, and Siltation for the Mermentau River Basin

As per the TMDL for TSS, Turbidity, and Siltation for the Mermentau River Basin, point source loads are so small as to be insignificant, and because effective policies are in place to limit TSS discharges, no specific reductions from point sources are required.

### TMDL for the Pesticide Carbofuran in the Mermentau and Vermillion Teche River Basins

This TMDL states that there is only one point source discharge of carbofuran in the Vermillion-Teche Basin. Additionally, this facility is not expected to discharge carbofuran. Therefore, the discharge from this facility should not cause or contribute to the carbofuran impairment.

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## 6. PROPOSED EFFLUENT LIMITS

BASIS - See Rationale below...

Changes from previous permit:

- The monitoring frequency for Outfalls 001 and 002 are being increased, the limits have been updated in accordance with the reissuance of the Class I Sanitary Discharge General Permit and the fecal coliform limit has been changed from weekly average to daily max.
- Outfall 003 has been added to the permit.

## 7. COMPLIANCE HISTORY/COMMENTS

1. OEC – This facility was issued a compliance order (WE-CN-04-1091) on June 12, 2008. It stated that the facility had failed to submitted many DMR's, had not properly operated and maintained its mechanical sewage treatment plant, and had several permit exceedances in 2005. From a review of the last two years of DMR's that were submitted, below is a list of the excursions.

2. DMR Review/Excursions –

Date	Parameter	Outfall	Reported Value	Permit Limits
6/08	BOD	001	155 mg/L	45 mg/L
6/08	TSS	001	1,180 mg/L	45 mg/L
6/08	Fecal Coliform	001	58,000 col.	400 col/100mL
6/08	COD	002	6,850 mg/L	200/300 mg/L
6/08	Oil & Grease	002	168 mg/L	15 mg/L

## 8. EXISTING EFFLUENT LIMITS

Outfall 001 – the discharge of treated sanitary wastewater

Parameter	LPDES	
	Monthly Average	Weekly Average
Flow	Report 1/6 months Est.	Report 1/6 months Est.
BOD <sub>5</sub>	---	45 mg/L 1/6 months Grab
TSS	---	45 mg/L 1/6 months Grab
Fecal Coliform	---	400 col./100mL 1/6 months Grab
pH	6.0-9.0 s.u. 1/6 months Grab	

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Outfall 002 – the discharge of treated bilge water

Parameter	LPDES	
	Monthly Average	Daily Maximum
Flow	Report 1/month Est.	Report 1/month Est.
COD	200 mg/L 1/month Grab	300 mg/L 1/month Grab
Oil & Grease	---	15 mg/L 1/month Grab
pH	6.0-9.0 s.u. 1/6 month Grab	

#### 9. ENDANGERED SPECIES

The receiving waterbody, Subsegment 050702 of the Mermentau Basin is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U.S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated November 17, 2008, from Rieck (FWS) to Nolan (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

#### 10. HISTORIC SITES

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

#### 11. TENTATIVE DETERMINATION

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in the application.

#### 12. PUBLIC NOTICES

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit

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decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

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### Rationale for Talen Marine & Fuel Inc.

#### 1. Outfall 001: treated sanitary wastewater

Pollutant	Limitation		Reference
	Monthly Avg	Weekly Avg	
	mg/L		
Flow	---	Report	
BOD <sub>5</sub>	30	45	BPJ; LAG530000 and similar discharges
TSS	30	45	BPJ; LAG530000 and similar discharges
Fecal Coliform colonies/100ml	200	400 (Daily Max)	BPJ; LAG530000 and similar discharges
pH, s.u.	6.0 (min)	9.0 (max)	BPJ; LAG530000 and similar discharges

**Treatment:** mechanical sewage treatment plant with aeration and chlorination

**Monitoring Frequency:** 1/quarter for all parameters at the point of discharge from the mechanical sewage treatment plant located on the southern most portion of the facility. The monitoring frequency is being increased based on the fact that the facility is currently under a compliance order and has not been submitting DMR's.

**Limits Justification:** BPJ; per the Class I Sanitary Discharge General Permit (LAG530000), Schedule B, Treated Sanitary Wastewater less than 5000 GPD and similar discharges.

#### 2. Outfall 002: treated bilge water

Pollutant	Limitation		Reference
	Monthly Avg	Daily Max	
	mg/L		
Flow	Report	Report	LAC 33:IX.2701.I.1.b
COD	200	300	Similar discharges (BPJ)
Oil & Grease	---	15	Similar discharges (BPJ)
pH, s.u.	6.0 (min)	9.0 (max)	Similar discharges (BPJ)

**Treatment:** Sea Pure oil/water separator, clarification, and aeration

**Monitoring Frequency:** 2/month for all parameters at the point of discharge from the treatment plant located on the south side of the facility. The monitoring frequency is being increased based on the fact that the facility is currently under a compliance order and has not been submitting DMR's.

**Limits Justification:** Limits and Monitoring Frequency are based on the previous permit and current guidance for similar discharges from other industrial facilities.

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3. **Outfall 003: treated sanitary wastewater**

Pollutant	Limitation		Reference
	Monthly Avg	Weekly Avg	
	mg/L		
Flow	---	Report	
BOD <sub>5</sub>	30	45	BPJ; LAG530000 and similar discharges
TSS	30	45	BPJ; LAG530000 and similar discharges
Fecal Coliform colonies/100ml	200	400 (Daily Max)	BPJ; LAG530000 and similar discharges
pH, s.u.	6.0 (min)	9.0 (max)	BPJ; LAG530000 and similar discharges

**Treatment:** mechanical sewage treatment plant with aeration and chlorination

**Monitoring Frequency:** 1/quarter for all parameters at the point of discharge from the mechanical sewage treatment plant located on the southwest side of the facility. The monitoring frequency is being set at quarterly to be consistent with the other sanitary outfall at the facility and based on the fact that the facility is currently under a compliance order and has not been submitting DMR's.

**Limits Justification:** BPJ; per the Class I Sanitary Discharge General Permit (LAG530000), Schedule B, Treated Sanitary Wastewater less than 5000 GPD and similar discharges.

BPJ Best Professional Judgment  
 s.u. Standard units

40 CFR 437 (The Centralized Waste Treatment Point Source Category) does not apply to wastewater discharges from a Centralized Waste Treatment (CWT) facility that results from "the discharge of marine generated waste including washwater from equipment and tank cleaning, ballast water, bilge water, and other wastes generated (while operating on inland, coastal, or open waters or while berthed) as part of routine ship maintenance and operation as long as they are treated and discharged at the ship servicing facility where it is off-loaded. The discharges resulting from the treatment of marine generated wastes that are off-loaded and subsequently sent to a centralized waste treatment facility at a separate location are, however, subject to this part." (taken from 40 CFR 437.1(c)(2)). However, 40 CFR 437.1(b)(2)(b), states, "This part **does not apply** to the following discharges from a CWT facility.....wastewater from the treatment of wastes that are generated off-site if the discharger.....demonstrates that the off-site wastes are of similar nature and the treatment of such wastes are compatible with the treatment of non-CWT wastes generated and treated at the CWT." Based on this, the facility is not subject to Effluent Limitations Guidelines for Centralized Waste Treatment (CWT), 40 CFR Part 437.

**Stormwater Pollution Prevention Plan (SWP3)**

An SWP3 is included in the permit because in accordance with LAC 33:IX.2511.A.1, stormwater discharges shall not be required to obtain an LPDES permit "... except... discharges associated with industrial activity." In accordance with LAC 33:IX.2511.B.14.h, facilities classified as SIC code 4492 are not considered to have storm water discharges associated with industrial activity unless they have "vehicle maintenance shops, equipment cleaning operations, or airport deicing operations." This facility does not have vehicle maintenance shops and equipment cleaning operations. However, in accordance with LAC 33:IX.2511.B.14.a-k, facilities classified as SIC code 1389 are considered to have storm water discharges associated with industrial activity. This permit is a renewal permit; however, the facility was



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not required to have an SWP3 in the previous permit. Therefore, the SWP3 shall be prepared, implemented, and maintained within six (6) months of the effective date of the final permit. The plan should identify potential sources of storm water pollution and ensure the implementation of practices to prevent and reduce pollutants in storm water discharges associated with industrial activity at the facility (see Part II of the permit).